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HUMAN RIGHTS SUBCOMMISSION CONTINUES DISCUSSION OF VIOLATIONS

Hears Call for Focusing on Security Council Permanent Members

The Subcommission on Prevention of Discrimination and Protection of Minorities should focus on the five permanent members of the Security Council, whose treatment of minorities fell below acceptable human rights standards, said a member of the Subcommission this morning. He also said it was regrettable that one of the super-Powers had not ratified the major international instruments on human rights.

During the Subcommission's ongoing discussion of human rights violations, the experts from India, Algeria, Brazil, Mexico and the Netherlands made statements. Several experts stressed the selective use of human rights principles, insisting that the principle of non-intervention was frequently ignored. So-called "economically backward" countries, they said, were considered the incurable violators of human rights, while violations by countries considered too "civilized" to be so accused were termed "simple mistakes". They said the suppliers of arms to Iraq were equally responsible for human rights violations, including the use of chemical weapons, in that country. Others said democracy was a façade if the real power lay with undemocratic institutions, such as the military.

New violations, said several experts, were being committed by non-governmental actors, including terrorists and drug traffickers, and those motivated by nationalism, greed or xenophobia.

The Subcommission also heard statements from six non-governmental organizations on the forced evictions of people from their homes, torture of children in Guatemala, repression in Iran and problems in Africa and East Timor.

When it meets next at 3:00 p.m. today, the Subcommission will continue its debate on human rights violations and take up the protection of minorities.

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Protection of Minorities

The Subcommission has before it three reports on the protection of minorities. Asbjorn Eide, Special Rapporteur and expert from Norway, had submitted a preliminary progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (document E/CN.4/Sub.2/1991/43). It discusses six guidelines on principles to be adhered to in dealing with rights to be adopted at the international level for members of minorities. The guidelines concern non-discrimination; promoting minority rights consistently with the unity of States; the danger of ethnic conflict; negative and positive measures for protecting human rights; the role of the development process; and the human rights of majorities.

The report also contains a review of responses by Governments to a questionnaire about national experience in dealing with the problem of minorities. The replies of Governments, of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and of five non-governmental organizations are summarized, question-by-question. The countries replying are China, Colombia, Ecuador, Finland, Greece, Mexico, Norway, Pakistan and Sudan. The questionnaire itself appears in an annex to the report.

Mr. Eide's earlier progress report on solutions to problems involving minorities spells out the reasoning behind an approach which stresses solutions, or management, of problems rather than on which minority rights should be adopted by the United Nations (document E/CN.4/Sub.2/1990/46). It also discusses the methods that will be used and the information to be collected, including an analysis of reports presented to the relevant treaty bodies and the use of a questionnaire to seek further information.

Also before the Subcommission is a report of its Working Group on Minority Rights, contained in documents E/CN.4/1991/53 and Corr.1. It summarizes the Group's discussion of issues affecting the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which it is preparing for the Commission on Human Rights. The report also contains proposals for the various draft articles.

ROBERT IMBRIANU, of Minority Rights Group, said 20 years of gross violations had led to a civil war which had devastated Somalia. Its infrastructure was destroyed, its economy was in ruins, and its life as a unified nation was bleak. Left alone, the situation would only worsen. The country had endured massive human rights abuses for more than two decades and the problems of displacement caused by civil war or political persecution had troubled Somalia for almost as long. Invaluable southern farmland had been rendered virtually useless. Food, shelter, and potable water were at crisis-level shortages. Unexploded minefields and lack of water were very serious problems, made more severe by the influx of returnees from the west and south.

To encourage the promotion of human rights and the stabilization of Somalia, he said, urgent humanitarian assistance should be given to the people in Somalia, with strong international coordination to ensure equitable distribution, and that refugees and displaced people should receive international protection and resources until their voluntary return was assured. The guarantee of physical security, a mass education programme, international assistance and a federal form of Government were equally needed.

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MARIA DEL ROSARIO-TOJ, of the International Indian Treaty Council, drew the attention of the Subcommission to the increasing number of human rights violations in Guatemala and the lack of Government efforts to punish violators. Unfortunately, the peace process, which was still being negotiated, was accompanied by violence. The State policy which had allowed aggression against the indigenous population and religious, political and other activists had to be ended. She enumerated a series of cases of human rights violations which had occurred over the past few months. Among the victims were children subjected to torture. The Subcommission should examine the situation of human rights in Guatemala in general and that of the indigenous population in particular; demand the end of impunity as a fundamental condition for peace and democracy; and encourage the peace process and negotiations.

MILEON KOTHARI, of Habitat International Coalition, said numerous Governments throughout the world continued to evict and uproot persons, families and entire communities from their homes, against their will. This global process was virtually always carried out without prior warning, negotiation, compensation, the provision of alternative accommodation, and without clear and reasonable justifications.

The right to safety and security in one's home was being violated daily in many countries, he said. Individual Governments, while maintaining ultimate legal responsibility for protecting human rights, were not the sole forces responsible for evictions, however. The seductively packaged economic prescriptions and so-called fiscal "wisdom" handed out by the International Monetary Fund (IMF), the World Bank and General Agreement on Tariffs and Trade (GATT) would continue to create conditions which encouraged and turned a blind eye to the inevitability of evictions. In almost all cases, the people evicted were the most economically, politically and socially disadvantaged and the poorest groups in society.

RAJINDAR SACHAR, expert from India, said he was disturbed by the remarks of the United States Permanent Representative to the effect that the Subcommission spent most of its time generating studies of marginal utility. The United States was reluctant to ratify the international human rights Covenants, but had made human rights one of its main foreign policy platforms. Its failure to adhere to the Covenants was prompted by the American public's indifference to international public sentiment. As to Kuwait, there was continued denial of democratic rights to its ordinary citizens. War had ended, but only to bring back the same kind of iniquitous, non-democratic ruling power. The only losers of the Gulf war were the people of Kuwait and the average person in Iraq, who continued to bear the burden of the arrogant United States denial of food and medicines.

Other partners in Iraq's violation of human rights, he said, were the countries in the west from which Iraq had obtained a large part of its arsenal. The United States, Germany and the United Kingdom were now the loudest to condemn Iraq, but could a country which supplied the wherewithal to manufacture nerve gas absolve itself of human right violations? he asked. Was the role of supplier any different from that of a country which manufactured it? The impression that the end of the Cold War would make billions available for uplifting the negative sectors of humanity in Asia and Africa was sheer propaganda.

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HANNAH WU, of the Women's International League for Peace and Freedom, deplored the Timor Gap Treaty signed between Australia and Indonesia in 1989 for the development of the Timor Sea oil resources, which had ignored the fact that the United Nations still regarded the East Timor question as unresolved. Portugal's challenge at the International Court of Justice had drawn new attention to the illegality of the Indonesian annexation of East Timor. The League supported the call proposed by the Timorese side for a dialogue between the parties concerned under the auspices of the United Nations. It could be a staged process beginning with a cease-fire, monitored by a United Nations observer team, followed by talks on some formula of self-determination for the people of East Timor. Whatever political arrangements were agreed to could be formalized through a process carried out by the United Nations, as was the case of Namibia and Western Sahara.

C.M. EYA-NCHAMA, of the Intenational Movement for Fraternal Union among Races and Peoples, said the new authorities in Somalia should continue to guarantee their citizens the right to life. Sudan should also cooperate with the international community. In Liberia, Charles Taylor and his guerrilla army were extending the war into Sierra Leone and RENAMO continued to terrorize the people of Mozambique. The Malagasy people were asking the Government to resign, since the President did not represent the will of the majority of the country. A civil war was possible. The international community should pressure the President to convene a constitutional conference with all sectors participating.

In order to define the concept of humanitarian intervention, he proposed that several questions be answered. What were the criteria for such an intervention? Who should decide to intervene? Should it be the five permanent members of the Security Council? If so, they would dictate the law to the rest of the international community. The result of previous "humanitarian" conferences had been the division of Africa among the European Powers. It was strange that many great Powers supported dictators for years and later launched campaigns against them, invoking the right of humanitarian intervention. Popularization of international human rights instruments would prevent dictators from continuing to massacre their own people.

REZA MAKTABI, of the International Falcon Movement, stressed the daily realities of the terrifying repression within Iran and the daily increasing terrorism and fundamentalism abroad. She cited five ways of carrying out the death sentence in Iran, including stoning and burning alive. There had been 641 officially announced executions during the first seven months of this year. Many political prisoners were executed on the pretext of having committed ordinary crimes. In many cases, the victims were severely tortured prior to execution. Political assassinations outside Iran had also increased during the last year. The treatment of women in Iran was one of the most tragic in the world; many virgin women had been raped before execution. Iranian people were under intolerable pressure. The only way to restore human rights in Iran was to stand firm and hope that the Subcommission would adopt a resolution condemning the gross and continuing human rights violations there.

FATMA KSENTINI, expert from Algeria, said the international human rights machinery was now sufficiently effective that even those States which had not wanted to ratify conventions could not escape the international monitoring system. Two major principles, however, continued to be denied -- the right of peoples to self-determination, and the principle of non-discrimination -- particularly as regards the South African and Palestinian peoples. The

Israeli authorities were using terror to put an end to the intifadah; they were committing grave violations of the Fourth Geneva Convention. The Subcommission should vigourously condemn this Israeli action and call for its compliance with Security Council resolutions on Lebanon. She wondered about the success of a conference which denied the Palestinian people the right to choose their own representatives.

She said the selectivity evident in considering human rights issues was due to a short-sighted vision, which maintained a permanent dichotomy between civil and political rights and economic, social and cultural rights. That selectivity must be ended. The vision designated "economically backward" countries as the incurable potential violators of human rights; the previous scapegoats had been the countries of Eastern Europe. The idea that poverty could not justify human rights violations was praiseworthy in itself; but underlying it was the idea that developing countries were hiding behind the alibi of underdevelopment in order to avoid respecting human rights. There was also a marked tendency to condemn the practices of a given country, while not touching the veil of silence hanging over practices in countries considered to be too "civilized" to be accused of human rights violations; their violations were termed "simple mistakes".

GIBERTO VERGRE SABOIA, expert from Brazil, said that looking at the overall situation of human rights in the world, they could not fail to recognize some positive trends. The end of the Cold War and of super-Power confrontation had opened the way, however belatedly, for more cooperative approaches to international problems. He hoped that developments taking place in the Middle East, particularly the perspective of holding an international conference with all interested parties, could at last resolve the long-standing conflict. Another positive trend was the increasing acceptance of democratic and pluralist forms of government based on free and periodic elections. Another positive sign was progress attained in the negotiations on reduction and elimination of nuclear, chemical and other weapons of mass destruction.

If some of the new trends in international affairs allowed for hope, the situation of human rights in many parts of the world was still very serious and grave violations continued to be committed in several countries. Governments were not the only source of violence and violation of human rights. More and more often could they witness situations where acts, committed or sponsored by groups or individuals, jeopardized the stability and democratic institutions of entire countries. An integrated approach was therefore essential for the correct understanding of the problems and for reaching viable solutions.

CLAUDE HELLER, expert from Mexico, said the new international situation did not automatically mean an improved human rights situation. On the contrary, there were grave violations in some countries. Progress made in the search for peace was offset by the profound economic crisis endangering democratic institutions in developing countries. The fragile nature of political life would itself constitute a major threat to the enjoyment of human rights and fundamental freedoms in years to come. New tendencies also had an adverse effect on human rights, including the fight against drug-trafficking, which had been a source of human rights violations and cause for concern.

As to the close link between democracy and human rights, he said the principle of non-intervention was argued as being inapplicable to human rights, but that argument was used selectively. The most effective cases of resolving internal conflict had involved mediation, not intervention. The international community should continue to encourage negotiations in Guatemala as the only way to achieve peaceful coexistence and respect for human rights and fundamental freedoms.

THEO VAN BOVEN, expert from the Netherlands, recalled that the Subcommission was both a policy and expert body. He quoted the Secretary-General, who had recently said that while democracy was a necessary condition for the recognition of basic human rights, it was not in itself sufficient to ensure the actual enjoyment of human rights. Democracy was only a façade if real power lay with non-democratic institutions such as the military. Given the absence of appropriate machinery, the media had a very important role to play in monitoring human rights and the conduct of warfare. Every individual and country was to a certain extent selective. The United Nations had also at times been selective. Some situations selected by the United Nations such as South Africa and the occupied territories were very specific. However, it was better for the United Nations to act where it could politically.

Violations occurred also in the countries of the permanent members in the Security Council. The treatment of foreigners by the United Kingdom and France and other members of the European Economic Community fell below adequate standards of human rights. The existence of political prisoners in China, incommunicado detention, the suppression of the democracy movement, and the treatment of Tibetans by the Chinese greatly concerned him, as did the use by the Soviet Union of armed force against the Baltic and other States, and the social situation of the poor in the United States. He was very concerned about the human rights situation in El Salvador and Guatemala, where military and para-military groups received protection and acted with impunity. As to humanitarian intervention, risks and dangers would arise if individual States resorted to that excuse in order to intervene. However, the United Nations should be entrusted to act in situations of grave violations of human rights.

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